			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,319	01/15/2004	John K. Junkers	2852	5368
7590 07/28/2005			EXAMINER	
Striker, Strike	-	SHAKERI, HADI		
103 East Neck Road Huntington, NY 11743			ART UNIT	PAPER NUMBER
			3723	
			DATE MAILED: 07/28/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	10/758,319	JUNKERS, JOHN K.			
Office Action Summary	Examiner	Art Unit			
	Hadi Shakeri	3723			
The MAILING DATE of this communication	appears on the cover sheet w	ith the correspondence address			
Period for Reply A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO		IONTH(S) FROM			
<ul> <li>Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a</li> <li>If NO period for reply is specified above, the maximum statutory per</li> <li>Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the maternal patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	R 1.136(a). In no event, however, may a reply within the statutory minimum of thir iod will apply and will expire SIX (6) MON atute, cause the application to become A	ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
2a) This action is <b>FINAL</b> . 2b) T	his action is non-final.				
	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice unde	er Ex parte Quayle, 1935 C.E	). 11, 453 O.G. 213.			
Disposition of Claims					
4) Claim(s) <u>1-165</u> is/are pending in the applica	ition.				
4a) Of the above claim(s) is/are witho					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>1-165</u> are subject to restriction and	d/or election requirement.				
Application Papers					
9) The specification is objected to by the Exam	iner.				
10) The drawing(s) filed on is/are: a) a		by the Examiner.			
Applicant may not request that any objection to t					
Replacement drawing sheet(s) including the corr	rection is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for forei	ign priority under 35 U.S.C. §	119(a)-(d) or (f).			
a) All b) Some * c) None of: 1. Certified copies of the priority docume	ants have been received				
2. Certified copies of the priority docume		nnlication No			
3. Copies of the certified copies of the p					
application from the International Bure					
* See the attached detailed Office action for a l		received.			
Attachment(s)					
1) D Notice of References Cited (PTO-892)		ummary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s	)/Mail Date formal Patent Application (PTO-152)			
<ol> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/ Paper No(s)/Mail Date</li> </ol>	6) Other:				
S. Patent and Trademark Office	······				

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-33, drawn to a washer, classified in class 411, subclass 303.
  - II. Claims 34-66, drawn to a threaded fastener, classified in class 411, subclass
     432.
  - III. Claims 67-99, drawn to method of tightening/loosening, classified in class 29, subclass 428/426.1.
  - IV. Claims 100-165, drawn to power tool, classified in class 81, subclass 55.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, e.g., washer has separate utility such as usable as a spacer. See MPEP § 806.05(d).

3. Inventions I and III or IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are a washer and a method of assembly/disassembly or a power tool.

4. Inventions II and III or IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are a fastener and a method of assembly/disassembly or a power tool.

**5.** Inventions III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced

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by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the power tool as claimed can be used to practice another and materially different process, e.g., hanging a picture frame or fastening a nut without a washer.

**6.** Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hadi Shakeri Primary Examiner Art Unit 3723 July 26, 2005